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#3

PATENT

Atty. Docket No. HEMAC:58977

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOSHUA LEVY

Application No. 10/027,478

Filed: December 21, 2001

For: PASSIVE HYPERIMMUNE  
ANTIBODY THERAPY IN THE  
TREATMENT OF ANTHRAX

Date: April 24, 2002

Group Art Unit 3762

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with sufficient postage as First Class Mail in an envelope addressed to: **BOX MISSING PARTS, COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231** on April 24, 2002.

James W. Paul, Reg. No. 29,967  
Attorney for Applicant

SUBMISSION OF MISSING PARTS OF APPLICATION

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice To File Missing Parts Of Nonprovisional Application - Filing Date Granted, mailed February 27, 2002 (copy attached), applicant submits herewith an executed Declaration and Power of Attorney in the above identified patent application. Enclosed is our check in the amount of \$170.00 covering the late surcharge of \$130 in compliance with 37 C.F.R. 1.16(l); and \$40 to cover the Assignment recordation being filed concurrently herewith.

Appln. No. 10/027,478

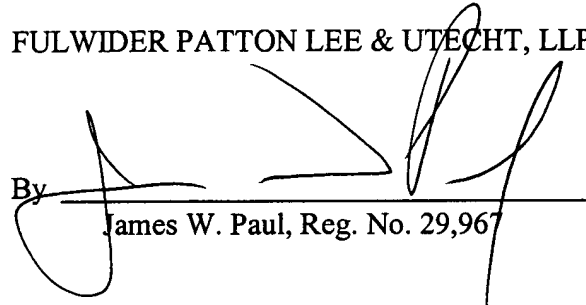
Attorney Docket No. HEMAC:58977

Please charge any additional fee or credit any overpayment to our Deposit  
Account No. 06-2425. A **duplicate** copy of this paper is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By



James W. Paul, Reg. No. 29,967

JWP:sn

Enc: Executed Declaration and Power of Attorney  
Executed Assignment  
Check for \$170.00

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696

Customer No. 24201

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/027,478         | 12/21/2001          | Joshua Levy           | HEMAC-58977            |

24201  
FULWIDER PATTON LEE & UTECHT, LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE  
TENTH FLOOR  
LOS ANGELES, CA 90045



CONFIRMATION NO. 9947

FORMALITIES LETTER



\*OC00000007545217\*

Date Mailed: 02/27/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Y.G.  
Customer Service Center

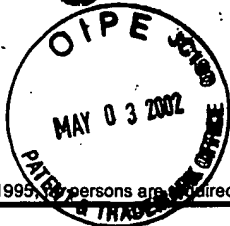
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/06/2002 BABRAHA1 00000054 10027478

01 FC:105

130.00 OP



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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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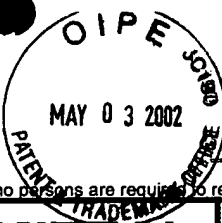
|   |                             |   |
|---|-----------------------------|---|
| <b>TRANSMITTAL<br/>FORM</b><br><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 10/027,478                                |
|   | <b>Filing Date</b>          | 12/21/2001                                |
|   | <b>First Named Inventor</b> | Joshua Levy                               |
|   | <b>Group Art Unit</b>       | 3762                                      |
|   | <b>Examiner Name</b>        |   |
| <b>Total Number of Pages in This Submission</b>   |                             | <b>Attorney Docket Number</b> HEMAC:58977 |

| <b>ENCLOSURES (check all that apply)</b>   |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><b>RETURN POSTCARD</b> |
| <b>Remarks</b>   |  | <br><b>24201</b><br>PATENT TRADEMARK OFFICE   |

| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b> |   |
|---|---|
| <b>Firm or Individual name</b>                    | James W. Paul, Reg. No. 29,967<br>FULWIDER PATTON LEE & UTECHT, LLP |
| <b>Signature</b>                                  |   |
| <b>Date</b>                                       | 04/24/2002  |

| <b>CERTIFICATE OF MAILING</b>   |                                |            |
|---|--------------------------------|------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 04/24/02 |                                |            |
| <b>Typed or printed name</b>  | James W. Paul, Reg. No. 29,967 |            |
| <b>Signature</b>  | <b>Date</b>                    | 04/24/2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/17 (10-01)

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 170.00

## Complete if Known

Application Number 10/027,478

Filing Date 12/21/2001

First Named Inventor Joshua Levy

Examiner Name

Group Art Unit 3762

Attorney Docket No. HEMAC:58977

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 06-2425

Deposit Account Name Fulwider Patton Lee ...

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity  |               | Small Entity  |               | Fee Description        | Fee Paid |
|---------------|---------------|---------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) |                        |          |
| 101           | 740           | 201           | 370           | Utility filing fee     |          |
| 106           | 330           | 206           | 165           | Design filing fee      |          |
| 107           | 510           | 207           | 255           | Plant filing fee       |          |
| 108           | 740           | 208           | 370           | Reissue filing fee     |          |
| 114           | 160           | 214           | 80            | Provisional filing fee |          |

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES

| Total Claims       |                    | Extra Claims |        | Fee from below | Fee Paid |
|--------------------|--------------------|--------------|--------|----------------|----------|
| Independent Claims | Multiple Dependent | -20** =      | -3** = |                |          |
| 4                  |                    | 1            |        |                |          |

| Large Entity  |               | Small Entity  |               | Fee Description  |
|---------------|---------------|---------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) |  |
| 103           | 18            | 203           | 9             | Claims in excess of 20                                     |
| 102           | 84            | 202           | 42            | Independent claims in excess of 3                          |
| 104           | 280           | 204           | 140           | Multiple dependent claim, if not paid                      |
| 109           | 84            | 209           | 42            | ** Reissue independent claims over original patent         |
| 110           | 18            | 210           | 9             | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity  |               | Small Entity  |               | Fee Description  | Fee Paid |
|---------------|---------------|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) |  |          |
| 105           | 130           | 205           | 65            | Surcharge - late filing fee or oath  | 130.00   |
| 127           | 50            | 227           | 25            | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139           | 130           | 139           | 130           | Non-English specification  |          |
| 147           | 2,520         | 147           | 2,520         | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112           | 920*          | 112           | 920*          | Requesting publication of SIR prior to Examiner action                     |          |
| 113           | 1,840*        | 113           | 1,840*        | Requesting publication of SIR after Examiner action                        |          |
| 115           | 110           | 215           | 55            | Extension for reply within first month                                     |          |
| 116           | 400           | 216           | 200           | Extension for reply within second month                                    |          |
| 117           | 920           | 217           | 460           | Extension for reply within third month                                     |          |
| 118           | 1,440         | 218           | 720           | Extension for reply within fourth month                                    |          |
| 128           | 1,960         | 228           | 980           | Extension for reply within fifth month                                     |          |
| 119           | 320           | 219           | 160           | Notice of Appeal   |          |
| 120           | 320           | 220           | 160           | Filing a brief in support of an appeal                                     |          |
| 121           | 280           | 221           | 140           | Request for oral hearing   |          |
| 138           | 1,510         | 138           | 1,510         | Petition to institute a public use proceeding                              |          |
| 140           | 110           | 240           | 55            | Petition to revive - unavoidable   |          |
| 141           | 1,280         | 241           | 640           | Petition to revive - unintentional   |          |
| 142           | 1,280         | 242           | 640           | Utility issue fee (or reissue)   |          |
| 143           | 460           | 243           | 230           | Design issue fee   |          |
| 144           | 620           | 244           | 310           | Plant issue fee  |          |
| 122           | 130           | 122           | 130           | Petitions to the Commissioner  |          |
| 123           | 50            | 123           | 50            | Processing fee under 37 CFR 1.17(q)  |          |
| 126           | 180           | 126           | 180           | Submission of Information Disclosure Stmt                                  |          |
| 581           | 40            | 581           | 40            | Recording each patent assignment per property (times number of properties) | 40.00    |
| 146           | 740           | 246           | 370           | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149           | 740           | 249           | 370           | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179           | 740           | 279           | 370           | Request for Continued Examination (RCE)                                    |          |
| 169           | 900           | 169           | 900           | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 170.00

## SUBMITTED BY

Name (Print/Type) James W. Paul, Esq.

Signature

Registration No. 29,967  
(Attorney/Agent)

## Complete (if applicable)

Telephone 310-824-5555

Date 04/24/2002

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